

Attorney Docket: 00059  
U.S. Application No.: 09/751,288 Examiner: Shang Art Unit: 2623  
Response to March 5, 2008 Final Office Action

### REMARKS

In response to the final Office Action dated March 5, 2008, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 9-15 and 20-28 are pending in this application. Claims 1-8 and 16-19 were previously canceled without prejudice or disclaimer.

#### Rejection of Claims Under § 102 (e)

The Office rejects claims 20-25 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,104,337 to Allport. A claim, however, is anticipated only if each and every element is found in a single prior art reference. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). See also DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8<sup>th</sup> Edition) (hereinafter "M.P.E.P.").

Claims 20-25, however, are not anticipated by *Allport*. These claims recite, or incorporate, features that are not disclosed or suggested by *Allport*. Independent claim 23, for example, recites "*a remote control receiver in communication with the processor, the remote control receiver receiving a message from a consumer electronics device, the message indicating a scheduled event has occurred that was tracked using an electronic program guide*" (emphasis added). Support for these features may be found at least at paragraphs [0031] – [0033] of the corresponding U.S. Patent Application Publication 2002/0085128 to Stefanik. For the Examiner's convenience, independent claim 23 is reproduced below.

23. A remote control device, comprising:

a processor;

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a remote control receiver in communication with the processor, the remote control receiver receiving a message from a consumer electronics device, the message indicating a scheduled event has occurred that was tracked using an electronic program guide;

an input device in communication with the processor;

a data storage area in communication with the processor; and

an output device in communication with the processor,

wherein after the processor receives said message, the processor retrieves instructions from the data storage area, interprets said message based upon said retrieved instructions and controls said output device to produce a customized alert associated with said scheduled event.

*Allport* cannot anticipate these features. *Allport* is entirely silent to a “the remote control receiver receiving a message from a consumer electronics device, the message indicating a scheduled event has occurred that was tracked using an electronic program guide” (emphasis added). *Allport* has been thoroughly discussed in previous responses to office actions, so no detailed discussion is necessary. *Allport*, simply put, does not teach or suggest a remote control that receives a message that indicates a scheduled event has occurred. Moreover, as the Assignee has explained, *Allport* uses an internal clock to determine when IR commands are sent from the remote control (such as when a program is to be recorded). See, e.g., U.S. Patent 6,104,337 to Allport at column 15, lines 31-41 (explaining that *Allport*’s remote control has an “integrated real time clock” for recording future programs). *Allport*, then, does not teach or suggest a remote control that “receive[s] a message from a consumer electronics device, the message indicating a scheduled event has occurred that was tracked using an electronic program guide” (emphasis added).

Claims 20-25, then, are not anticipated by *Allport*. Independent claim 23 recites many features that are not taught or suggested by *Allport*. The dependent claims incorporate these same features and recite additional features. Claims 20-25, then, cannot be anticipated, so the Office is respectfully requested to remove the § 102 (e) rejection of these claims.

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**Rejection of Claims 9-15 & 26-28**

The Office also rejected claims 9-15 and 26-28 under 35 U.S.C. § 103 (a) as being obvious over *Allport* in view of U.S. Patent 6,346,891 to Feinlab, *et al.*

Again, though, claims 9-15 and 26-28 cannot be obvious over *Allport* with *Feinlab*. The proposed combination of *Allport* with *Feinlab* still fails to teach or suggest many features of the independent claims. Independent claim 26, for example, recites "*a transmitter in communication with the electronic program guide, the transmitter transmitting a message to the remote control device, the message indicating an occurrence of a scheduled event that was tracked using the electronic program guide.*" Support for these features may be found at least at paragraphs [0031]–[0033] of the corresponding U.S. Patent Application Publication 2002/0085128 to Stefanik. Independent claim 26 also recites "*when the motion detector detects a tilting motion of the remote control, the processor changes a mode of operation of the remote control device to control a different electronic device, such that different orientations of the remote control device control different electronic devices.*" Support for these features may be found at least at paragraphs [0027]–[0028] of the corresponding U.S. Patent Application Publication 2002/0085128 to Stefanik. For the Examiner's convenience, independent claim 26 is reproduced below, and independent claim 28 similarly recites some of these features.

26. A system, comprising:

a remote control device communicating with an electronic device, the electronic device comprising:

a receiver for receiving signals from the remote control device,  
an electronic program guide, and

a transmitter in communication with the electronic program guide, the transmitter transmitting a message to the remote control device, the message indicating an occurrence of a scheduled event that was tracked using the electronic program guide; and

the remote control device comprising:

a processor,

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a remote control receiver in communication with the processor, the remote control receiver receiving the message from the electronic device that indicates the scheduled event has occurred according to the electronic program guide,  
an input device in communication with the processor,  
a light source in communication with the processor,  
a storage area in communication with the processor,  
a motion detector in communication with the processor, wherein, in response to motion detected by said motion detector, said processor retrieves instructions from said storage area and sends a signal to a light source to illuminate a portion of said input device, and when the motion detector detects a tilting motion of the remote control, the processor changes a mode of operation of the remote control device to control a different electronic device, such that different orientations of the remote control device control different electronic devices, and  
an output device in communication with the processor, wherein the output device is for providing an alert to a user when a scheduled event occurs.

The proposed combination of *Allport* with *Feinlab* does not obviate all these features. As the above paragraphs explained, *Allport* fails to teach or suggest “a transmitter in communication with the electronic program guide, the transmitter transmitting a message to the remote control device, the message indicating an occurrence of a scheduled event that was tracked using the electronic program guide.” The patent to *Allport* also fails to teach or suggest “when the motion detector detects a tilting motion of the remote control, the processor changes a mode of operation of the remote control device to control a different electronic device, such that different orientations of the remote control device control different electronic devices.”

*Feinlab* does not cure these deficiencies. *Feinlab* teaches a remote control equipped with a motion sensor. When the remote control is handled, the motion sensor sends a “wake” command to a controlled device. Still, though, the combined teaching of *Allport* with *Feinlab* fails to teach or suggest *the transmitter transmitting a message to the remote control device, the message indicating an occurrence of a scheduled event that was tracked using the electronic program guide.* The combined teaching of *Allport* with *Feinlab* also fails to teach or suggest “when the motion detector detects a tilting motion of the remote control, the processor changes a

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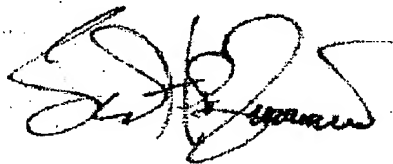
*mode of operation of the remote control device to control a different electronic device, such that different orientations of the remote control device control different electronic devices."*

Claims 9-15 and 26-28, then, cannot be obvious over *Allport with Feinlab*. Independent claims 26 and 28 recite many features that are not taught or suggested by *Allport with Feinlab*. Their respective dependent claims incorporate these same features and recite additional features. Claims 9-15 and 26-28, then, cannot be obvious over *Allport with Feinlab*, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,



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